

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

JAMES RIVER EQUIPMENT,
VIRGINIA, LLC, a Virginia Limited
Liability Company,

Plaintiff,

v.

Civil Action No. 5:13-cv-28160
Honorable Irene Berger

JUSTICE ENERGY COMPANY, INC. a
West Virginia Corporation,

Defendant.

JOINT MOTION TO STAY ACTION

NOW COMES Plaintiff James River Equipment, Virginia, LLC and Defendant Justice Energy Company, Inc., and for their Joint Motion To Stay Action state and aver as follows:

1. On November 6, 2013, James River Equipment, Virginia, LLC, filed its Complaint in the United States District Court for the Southern District of West Virginia asserting a claim for breach of contract and unjust enrichment against Defendant Justice Energy Company Inc.
2. On January 21, 2014, the Honorable Judge Irene Berger entered an Order Granting Default Judgment in favor of the Plaintiff in the amount of \$156,112.14, in addition to statutory interest at the rate of 11% per annum.
3. On April 30, 2014, an Abstract of Judgment was issued by the Clerk of the Court. This Abstract of Judgment was subsequently recorded in Raleigh County, Wyoming County,

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and McDowell County, West Virginia.

4. On July 16, 2014, the Plaintiff filed its Motion for Appointment of Commissioner requesting that United States Magistrate Judge R. Clarke VanDervort be appointed to act as Commissioner in Aid of Execution regarding this action.
5. On August 1, 2014, United States Magistrate Judge R. Clarke VanDervort was appointed to serve as Commissioner in Aid of Execution regarding this matter.
6. Following several hearings regarding this matter, the parties were able to negotiate a settlement of this judgment.
7. In exchange for payment in the amount of \$180,000.00 to be paid in six (6) consecutive monthly installments of \$30,000.00, commencing on November 1, 2015 and continuing on the first of each month thereafter, until paid in full.
8. On February 15, 2106, Defendant Justice Energy Company, Inc., made its January 1, 2016, payment and its February 1, 2016. Consequently the parties jointly agree to move to stay any further actions in this Civil Action, pending Justice Energy Company, Inc., making its final two payments on March, 1, 2016, and April, 1, 2016.
9. Furthermore, James River Equipment, Virginia, LLC, agrees to release its Abstracts of Judgment regarding this action once Defendant Justice Energy Company, Inc. has complied with and completed the six (6) monthly payments in order to satisfy this settlement.
10. Once all required payments have been made, this action may be dismissed from the active docket of the Court.

WHEREFORE, the parties respectfully request that this Honorable Court enter a Stay of this action until the Defendant complies with and completes the settlement regarding this matter, or

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Respectfully submitted,

JAMES RIVER EQUIPMENT, VIRGINIA, LLC

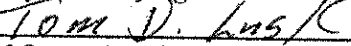


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JUSTICE ENERGY COMPANY, INC.



Justice Energy Company, Inc.
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Beckley, West Virginia 25801

By: _____
Chief Operating Officer for Justice Energy Company, Inc.

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